



ATTORNEY DOCKET NO.: 0492611-0392 (MIT 9128)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Anderson, et al.

Examiner: Shibuya

Serial No.: 09/803,319

Art Unit: 1639

Filed: March 9, 2001

For: Uses and methods of making microarrays of polymeric biomaterials

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. 1.131

We, Daniel G. Anderson, Robert S. Langer, and David A. Putnam declare as follows:

1. We are the inventors of the subject matter disclosed and claimed in United States patent application Serial No. 09/803,319 ("the '319 application") filed March 9, 2001 and entitled "**USES AND METHODS OF MAKING MICROARRAYS OF POLYMERIC BIOMATERIALS**".
2. This Declaration is presented for the purpose of removing from consideration by the Examiner U.S. Patent No. 6,699,665, by Kim, et al. ("Kim"). Kim issued as a patent on March 2, 2004, from an application filed on November 8, 2000. The present Declaration is presented in accordance with *In re Stempel*, 113 USPQ 77 (CCPA 1957) and establishes conception and reduction to practice of the invention in this country before November 8, 2000.
3. On a date before November 8, 2000, we conceived and reduced to practice our invention of a microarray of polymeric biomaterials.
4. Exhibit 1 is a copy of several pages from the computerized laboratory notebook of Daniel Anderson, with dates blacked out. Exhibit 1 provides evidence of conception and actual